

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY D. RAY,

Plaintiff,

v.

O. HASEM, et al.,

Defendants.

No. 2:21-cv-0072 AC P

ORDER

Plaintiff is a former state prisoner proceeding pro se. He seeks relief pursuant to 42 U.S.C. § 1983. The proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Before the court are plaintiff's motion for a forty-five-day extension of time to file an in forma pauperis application, ECF No. 9, and a motion to proceed in forma pauperis, ECF No. 10.

Approximately six weeks after filing his in forma pauperis application, plaintiff filed a notice of change of address. ECF No. 11. It appears from the notice that plaintiff is no longer incarcerated. Upon release from prison, a former inmate must be allowed to apply to proceed under general in forma pauperis provisions of 28 U.S.C. § 1915(a)(1). See DeBlasio v. Gilmore, 315 F.3d 396, 399 (4th Cir. 2003); see also Webb v. Lambert, No. CV 12-00041-H-DLC, 2012 WL 5931889, at *1 (D. Mont. Aug. 29, 2012) (citing DeBlasio). A released prisoner may proceed in forma pauperis upon satisfying the poverty provisions applicable to non-prisoners.

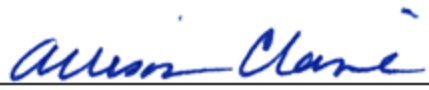
1 McGann v. Comm’r, Soc. Sec. Admin., 96 F.3d 29, 30 (2d Cir. 1996).

2 Plaintiff’s indigent status while incarcerated, which is documented in his IFP application,
3 is no longer relevant. The court must evaluate plaintiff’s in forma pauperis status as a non-
4 prisoner. The pending in forma pauperis application will therefore be denied and plaintiff will be
5 directed to file an in forma pauperis application for non-prisoners.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff’s request for an extension of time, ECF No. 9, is DENIED as moot;
- 8 2. Plaintiff’s motion to proceed in forma pauperis, ECF No. 10, is DENIED without
9 prejudice to an application to proceed in forma pauperis by a non-prisoner;
- 10 3. The Clerk of Court shall send plaintiff a copy of the court’s application to proceed in
11 forma pauperis for non-prisoners, and
- 12 4. Within thirty days of the date of this order, plaintiff must complete and file the non-
13 prisoner in forma pauperis application in this court.

14 DATED: September 3, 2021

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
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